

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CASE NO. 5:23-CV-159-MR-DCK**

**ERIC RAMOND CHAMBERS,**

**Plaintiff,**

**v.**

**WARDEN OF ALEXANDER  
CORRECTIONAL, et al.,**

**Defendants.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on the North Carolina Department of Adult Corrections' (NCDAC) sealed "Notice To The Court..." (Document No. 39) filed May 15, 2024, regarding the Court's Request for Waivers of Service. See (Document No. 33).

The Amended Complaint passed initial review against several Defendants including proposed John Doe and Jane Doe Defendants, and the Court initiated the procedure for waiver of service. (Document Nos. 32, 33). NCDAC has determined that Jane Doe is Rhonda McLain, who was on contract with Maxim Healthcare Staffing; and John Doe is Michael Moody, who worked under a contract with NCDAC. (Document No. 39). NCDAC is unable to waive service for these Defendants, neither of whom works at NCDAC any longer, and it has provided their last known addresses under seal. Id.

The Clerk will be directed to notify the U.S. Marshal that Defendants Rhonda McLain and Michael Moody need to be served with the summons and Amended Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If these Defendants cannot be served at the addresses provided by NCDAC, the U.S. Marshal shall be responsible for locating their home addresses so

that they may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915....”).

If the U.S. Marshal is unable to obtain service on Defendants McLain and Moody, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendants’ home addresses to the *pro se* incarcerated Plaintiff and shall file any document containing such addresses under seal.

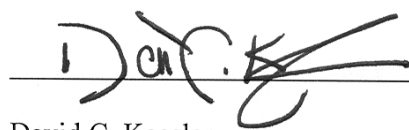
**IT IS, THEREFORE, ORDERED** that the U.S. Marshal shall use all reasonable efforts to locate and obtain service on **Defendants Rhonda McLain and Michael Moody**. If the U.S. Marshal is unable to obtain service on Defendants McLain and Moody, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.

The Clerk is respectfully instructed to mail a copy of the Amended Complaint (Document No. 31), the Sealed Notice containing the Defendant’s last known addresses (Document No. 39), and this Order, to the U.S. Marshal.

**IT IS FURTHER ORDERED** that the Clerk is instructed to substitute Rhonda McLain for “Jane Doe Nurse,” and Michael Moody for “John Doe Nurse” in the Court’s record.

**SO ORDERED.**

Signed: May 16, 2024

  
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David C. Keesler  
United States Magistrate Judge

